

# Excluding stock from waterways

May 2021

## Freshwater Future



Understand and protect our precious taonga.

***In early September 2020 central government issued a package of freshwater regulation designed to restore and protect the health of New Zealand's waterways.***

We encourage landowners to become familiar with what is required. To learn more head to [mfe.govt.nz/essential-freshwater-new-rules-and-regulations](https://mfe.govt.nz/essential-freshwater-new-rules-and-regulations). The Hawke's Bay Regional Council is working through the requirements and implications for monitoring and enforcement. Here is our initial summary and advice relating to the stock exclusion requirements.

[hbrc.govt.nz](https://hbrc.govt.nz)

  
**HAWKES BAY**  
REGIONAL COUNCIL

TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

# Why are there stock exclusion regulations?

Stock access to waterways can damage the bed and banks and smother stream life. It may result in discharges of dung and urine directly to water.

Cattle, deer and pigs are particularly attracted to water. This can have a serious impact on water quality and mahinga kai values. Production losses and reduced live-weight gain may result in water-borne parasites and diseases in stock.

Sheep are much less of a problem, unless they are present in very high densities as might happen when they are break fed on a forage crop with no action taken to prevent direct access to water.

Excluding stock from natural wetlands, lakes and rivers more than one metre wide is intended to reduce freshwater pollution, prevent bank erosion and sediment loss and allow riparian plants to grow.

## Get advice

If you are unsure about how the following rules apply to your situation or you need on-farm advice, please call the

**Hawke's Bay Regional Council**  
on **0800 108 838**



## Essential Freshwater Package

# Requirements for stock exclusion

## Who must comply?

The regulations apply to any person that owns or controls deer, pigs, dairy support cattle, dairy cattle and beef cattle, and include rules for stock exclusion from lakes, wide rivers, and wetlands.

## Stock exclusion from lakes and wide rivers

The following stock need to be excluded from lakes and wide rivers, with a three metre setback from the edge of the bed of these waterways by the dates in the table below.

1. All dairy cattle, dairy support cattle and pigs, regardless of intensity or terrain
2. Beef cattle and deer, if they are intensively grazed, on any terrain
3. Beef cattle and deer, if they are located on the mapped 'low slope land'

Excluding stock from lakes and rivers wider than 1m	Slope	Timeframe
Dairy cattle (not dairy support) and pigs	All slopes	By 1 July 2023
All cattle and deer on land used for fodder or break feeding and on irrigated pasture	All slopes	By 1 July 2023
All dairy support cattle	All slopes	By 1 July 2025
All beef cattle and deer	Mapped low slope <10 degrees*	By 1 July 2025

\*All land defined as 10° or less according to the 'low slope map' found at [data.mfe.govt.nz/layer/104827-stock-exclusion-low-slope-land-2020](https://data.mfe.govt.nz/layer/104827-stock-exclusion-low-slope-land-2020)

## Requirements for stock crossing over waterways

All pigs and cattle (dairy, dairy support and beef) must cross a lake or wide river using a dedicated bridge or culvert unless they are supervised, and actively driven across the lake or wide river AND do not cross the same lake or wide river (directly through water) more than twice in any month.

## Exceptions to the stock crossing rules

Requirements do not apply to stock crossing a wide river, if it is too difficult to install a dedicated bridge or culvert because the river has a highly mobile bed AND the stock are supervised and actively driven across the river. *(Rules do not apply to sheep and deer).*

## Fencing types and existing fences

You do not have to put in new fences to exclude stock from a lake or wide river if, at 3 September 2020, you have:

**A permanent fence that ‘effectively excludes’ stock from the bed of the river or lake that is:**

**A:** a post and batten fence with driven or dug fence posts; OR

**B:** an electric fence with at least two electrified wires and driven or dug fence posts;

**OR**

**C:** a deer fence; OR

**D:** riparian vegetation that ‘effectively excludes’ stock from the bed of the river or lake

If your existing fence or riparian planting does not ‘effectively exclude’ stock from accessing waterways and riparian margins, you must ensure that it does meet the requirements to exclude stock.

## Stock exclusion from wetlands *All stock must be excluded from wetlands*

Excluding stock from wetlands	Timeframe
All stock from wetlands identified in a regional or district plan	By 1 July 2023
All stock from wetlands identified in a regional plan that gives effect to the new NPS-FM	By 1 July 2025
All stock from wetlands greater than 0.05ha on low slope land	By 1 July 2025

1. The natural wetland has been identified in **The Regional Resource Management Plan**
2. The natural wetland supports a population of threatened species as described in the National Policy for Freshwater Management (NPS-FM) where that wetland has the critical habitats and conditions necessary to support the presence, abundance, survival and recovery of the threatened species and;
3. The natural wetland is greater than 500 square metres on low slope land as shown at [data.mfe.govt.nz/layer/104827-stock-exclusion-low-slope-land-2020](https://data.mfe.govt.nz/layer/104827-stock-exclusion-low-slope-land-2020)

# Frequently asked questions

**I have a river that is under a metre wide except in a couple of places, where it is just over one metre wide. Is this counted as a 'wide river' under the stock exclusion rules?**

*Yes. The definition of a wide river means that if a waterway is wider than one metre (measured as the bed width bank-to-bank), anywhere within a land parcel the stock exclusion rules apply to the length of the river.*

**Where do I measure the bed of a river, lake, drain or wetland from?**

*Under the 'RMA', 'bed' is defined as the space of land which the water of the river covers at its fullest flow without overtopping its banks. You would measure the edge of the bed from here.*

*For example, think of stream width as being the width during high flows (small flood) which occur on an annual basis rather than during dry periods.*

**Do I have to remove my existing fences?**

*In relation to wide rivers and lakes, you do not need to move an existing fence irrespective of whether it meets the 3m set back rule, provided it is a permanent fence that 'effectively excludes' stock, and that meets the criteria outlined in definitions, under the heading 'permanent fence'*

**What kind of fence do I need to meet the stock exclusion requirements?**

*There are criteria for existing fences in relation to stock exclusion from rivers and lakes (please see question above). Otherwise, the regulations require that you exclude stock from lakes, wide rivers and wetlands. They do not specify how stock are to be excluded, as long as they are effectively excluded.*

**Does a one wire electric fence count as stock exclusion?**

*Yes, any temporary electric fencing needs to have a minimum three metre setback.*

*If the one wire fence was installed after 3 September 2020, excludes stock identified under the regulations, and is three metres back from the stream edge then yes. If it existed before 3 September 2020, is three metres back and excludes the stock in the regulations than a pragmatic approach would be yes.*

**My farm is identified as low slope however, the paddock with the waterway is greater than 10 degrees. Do I still have to exclude stock from the waterway?**

*Yes - the low slope map is included in the regulations and is not something that the Regional Council has discretion over.*

*Please note there may be further refinement to the low slope map.*

**Are sheep included in these regulations?**

*No - but they are included in the national Intensive Winter Grazing regulations.*

### What if I can't meet the stock crossing rules, which limit crossing of the same lake or wide river to no more than twice a month?

The stock exclusion rules, including requirements for stock crossing, apply to everyone who owns or controls stock. Under the regulations, the Regional Council does not have the ability to issue a permit for additional crossings.



### What is a natural wetland? How do I know if I have a natural wetland on my property?

All stock must be excluded from any natural wetland identified in a district plan, or the Regional Council's RRMP, that is operative as of 3 September 2020. You can find out more about how to identify a 'natural wetland' in the definitions section of this information sheet.

Note: Stock exclusion from wetlands on existing farms is not required until 1 July 2025. However the rules apply as of 3 September for new farms.



### What are 'threatened species'? How do I find out if I have a wetland with 'threatened species'?

The definition of threatened species is in the NPS-FM rather than these regulations.

A threatened species is defined as "any indigenous species of flora or fauna that:

a. relies on water bodies for at least part of its life-cycle; AND

b. meets the criteria for nationally critical, nationally endangered or nationally vulnerable species in the New Zealand Threat Classification System Manual found at [doc.govt.nz/about-us/science-publications/conservation-publications/nz-threat-classification-system](https://doc.govt.nz/about-us/science-publications/conservation-publications/nz-threat-classification-system)

### What happens if I don't or can't meet these standards or conditions by the timeframes required?

The Regional Council will generally work with landowners to help rectify any issues. However under Section 1A of the regulations if you are unable to meet the requirements you may be subject to enforcement action.

Each occasion of non-compliance with the regulations is an offence and carries an infringement fee of \$100 per animal (up to a maximum of \$2,000), or \$2,000 per person, or \$4,000 per non-natural person (for example a company).

If you have any questions around compliance or need assistance please call the Regional Council's consent team on 0800 108 838.



The bittern or matuku has the highest threat status of 'nationally critical' and are mainly found in wetlands.



# When is stock exclusion required by?

This map shows a timeline of when stock needs to be excluded, primarily by fencing, from rivers, lakes and wetlands.

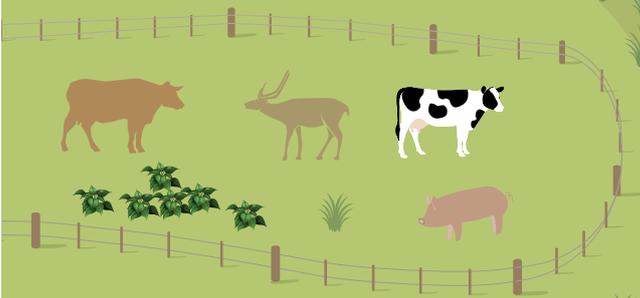
## 2020

If establishing a new farm



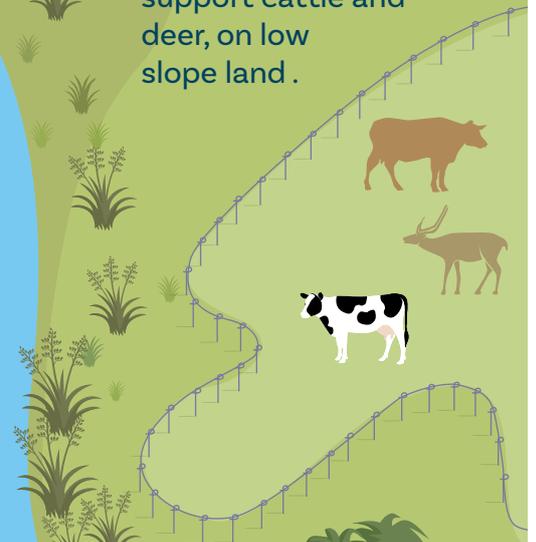
## 2023

For all dairy cattle, pigs and intensive deer and beef grazing winter crops.

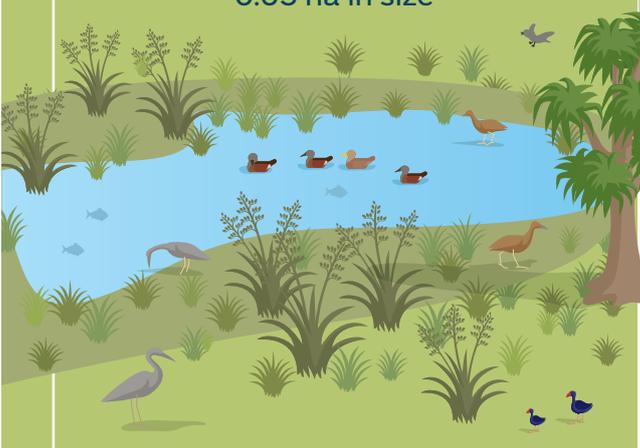


## 2025

Beef cattle, dairy support cattle and deer, on low slope land.



**Wetlands need to be fenced by**  
**by 2023** - any new farm as defined  
in our Regional Plan  
**by 2025** - any wetland larger than  
0.05 ha in size



# Definitions



## ‘Low slope’ land

Rules around the exclusion of beef cattle and deer that are not ‘intensively grazed’ and rules relating to the exclusion of stock from some wetlands rely on whether your farm is classified on the Ministry for the Environment’s map as ‘low slopes’. For more information, see [data.mfe.govt.nz/layer/104827-stock-exclusion-low-slope-land-2020](https://data.mfe.govt.nz/layer/104827-stock-exclusion-low-slope-land-2020)

Regardless of the actual slope of your paddocks or farm – for the purpose of these regulations:

- If your land is highlighted on MfE’s map in green, it is considered ‘low slope land’
- If your land is not highlighted in green, it is not considered to be ‘low slope land’ for the purposes of the exclusion regulations

**Wide river** means a river (as defined in the RMA) with a bed that is wider than 1 metre anywhere in a land parcel

**River** means a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal).

**Lake** is any body of fresh water which is entirely or nearly surrounded by land.

**Dairy support cattle** are cattle farmed for producing milk but are not being milked (eg heifers or dairy cattle dried off) that are grazed on land that is not grazed by dairy cattle.

**Beef cattle** are those reared for producing meat, excluding dairy and dairy support cattle.

**Natural wetland** is a wetland that is **NOT** the following:

1. A wetland constructed by artificial means (unless it was constructed to offset impacts on, or restore, an existing or former natural wetland); or
2. A geothermal wetland; or
3. Any area of improved pasture that, at 3 September 2020, has more than 50 percent of exotic pasture species and is subject to temporary rain-derived water pooling.

**Intensive grazing** for the purpose of the stock exclusion rules is break feeding, or grazing on annual forage crops, or grazing on pasture that has been irrigated with water in the previous 12 months.

## Permanent fence

- a) a post and batten fence with driven or dug fence posts; or
- b) an electric fence with at least 2 electrified wires and driven or dug fence posts; or
- c) a deer fence.





For more information,  
contact your local Regional Council office.

**Napier, 159 Dalton Street, 06 835 9200**

**Waipawa, 26 Ruataniwha Street, 06 857 8219**

**Wairoa, 46 Freyberg Street, 06 838 8527**

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